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RESOLUTION NO. _____

**AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE
TRANSPORTATION PROGRAM FUNDING FOR SOUTH PARK VICTORIA DRIVE
PAVEMENT REHABILITATION, PROJECT NO. 4225 AND COMMITTING THE
NECESSARY NON-FEDERAL MATCH FOR THE PROJECT AND STATING THE
ASSURANCE OF THE CITY OF MILPITAS TO COMPLETE THE PROJECT
(FEDERAL STP ROAD REHABILITATION PROGRAM: PART 1a)**

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues the Surface Transportation Program (23 U.S.C. § 133 and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, the SAFETEA legislation will guide STP, CMAQ, and TE programming until a SAFETEA bill is authorized; and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

WHEREAS, the City of Milpitas is an eligible project sponsor for Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and

WHEREAS, the City of Milpitas wishes to submit an application to MTC for funds from the Surface Transportation Program Improvement Program in fiscal years 2006-07, 2007-08, and 2008-09 for the following project:

South Park Victoria Drive Pavement Rehabilitation: Roadway improvements on S. Park Victoria Drive between Yosemite Drive and Calaveras Boulevard and on Calaveras Boulevard between I-680 and S. Park Victoria Drive. Work will include placing rubberized asphalt concrete overlay, localized full depth AC repairs, cold planing, replacement of traffic detector loops, sealing of cracks, install ADA compliant ramps, concrete bus pads and replacement of paint markings; and

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

- 1) The commitment of necessary local matching funds of at least 11.47%; and
- 2) That the sponsor understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
- 3) The assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and

- 4) That the sponsor understands that funds must be obligated by June 30 of the year that the project is programmed for in the TIP, or the project may be removed from the program; and
- 5) That the sponsor has a certified pavement management system (PMS).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas, that the City of Milpitas is authorized to execute and file an application for funding under the Surface Transportation Program of SAFETEA in the amount of \$489,906 for South Park Victoria Drive Pavement Rehabilitation; and

NOW, BE IT FURTHER RESOLVED that the City Council of the City of Milpitas by adopting this resolution does hereby state that:

- 1) The City of Milpitas will provide \$595,588 in non-federal matching funds; and
- 2) The City of Milpitas understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding for the project is fixed at \$489,906, and that any cost increases must be funded by the City of Milpitas from local matching funds, and that the City of Milpitas does not expect any cost increases to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
- 3) South Park Victoria Drive Pavement Rehabilitation will be built as described in this resolution and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by June 30 of the year the project is programmed for in the TIP; and

NOW, BE IT FURTHER RESOLVED that the City of Milpitas is an eligible sponsor of projects in the Surface Transportation Program; and

NOW, BE IT FURTHER RESOLVED that the City of Milpitas is authorized to submit an application for Surface Transportation Program funds for South Park Victoria Drive Pavement Rehabilitation; and

NOW, BE IT FURTHER RESOLVED that there is no legal impediment to the City of Milpitas making applications for Local Streets and Roads Shortfall Program funds; and

NOW, BE IT FURTHER RESOLVED that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the City of Milpitas to deliver such project; and

NOW, BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

NOW, BE IT FURTHER RESOLVED that the MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in MTC's TIP.

PASSED AND ADOPTED this 17th day of January 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney